

PLANNING BOARD MEETING

TIPP CITY, MIAMI COUNTY, OHIO July 14, 2009

**Meeting**

Chairman Mike McFarland called this meeting of the Tipp City Planning Board to order at 7:30 p.m.

**Roll Call**

Roll call showed the following Board members present: Mike McFarland, John Berbach, Joseph Gibson, and Mark Springer.

Others in attendance: City Planner/Zoning Administrator Matt Spring and Board Secretary Marilyn Fennell. Those signing the register were Barry Willoughby, Bill Mikolajewski, Aaron Lee, Suzanne Collins, Darshen Vyas & Family, Robyn Crow, Larry Riesser, and Paul Lee.

**Approval of Minutes**

May 12, 2009 Meeting

Mr. McFarland **moved to approve the minutes of the May 12, 2009 meeting as presented.** Mr. Springer seconded the motion. Motion passed 4-0.

**Items not on the Agenda**

There were no comments on items not on the agenda.

**NEW BUSINESS**  
Deadline Dates

Chairman McFarland announced that the next regularly scheduled Planning Board meeting would be held Tuesday, August 11, 2009. Preliminary Plans, Final Plats and Site Plans must be submitted by 5:00 p.m. on July 20, 2009.

Barry & Julie Willoughby, 425 W. Kerr Rd, IL 2349 R-1 Zoning-Set Public Hearing for rezoning request

Mr. Spring explained that the applicant wishes to rezone the property from R-1 (Open Space Residential) to OS (Office Service) and he recommended the hearing be set for August 11, 2009. The property is a  $\pm$  5 acre parcel located at 425 W. Kerr Road.

Mr. McFarland **moved to set a public hearing for this request for August 11, 2009.** Mr. Berbach seconded the motion. Motion passed 4-0.

Tipp City Hardware, 910 W. Main St., IL 2024- Temporary Use

The next item was a Temporary Use request from Do It Best Hardware, 910 W. Main St. The applicant wishes to display one or two pallets for seasonal merchandise such as bags of topsoil at the front of their building. The merchandise would be set out during business hours and brought inside after hours. There have been similar requests from this location and the last was approved April 14, 2009. There have been no complaints. Staff recommended approval with 2 conditions:

1. The pallets shall be displayed according to the approved site plan provided by the applicant.
2. The seasonal merchandise shall not be displayed for more than 100 days; or the applicant shall seek Planning Board approval for any outdoor display of seasonal merchandise beyond October 31, 2009.

Mr. Berbach said this business has done a fine job in the past and **moved to grant a Temporary Use at 910 W. Main St. until October 31, 2009 and that the pallets be displayed according to the approved site plan.** Mr. Springer seconded the motion. Motion passed 4-0.

Town & Country  
Market, 115 E.  
Dow St., ILs 50 &  
51 – Temporary  
Use

Mr. Spring said the occupant wishes to continue his Temporary Use that was granted April 11, 2009 for a farm market in the off-street parking area of the store. There will be 5 tables of seasonal produce and goods. The operating hours are Saturday and Sunday, 8:00am to 7:00pm. The tables would be on the eastern façade of the store, no tents or coverings. Code states that Temporary Uses are good for 100 days therefore he is asking for a renewal from August 1 to November 8, 2009. Four parking spaces would be obstructed in the non-conforming parking area. The required number of spaces is 49 for the store. Code states that the Planning Board does have the authority to determine the amount required on a case-by-case basis. Staff did recommend approval with the following conditions:

1. The Temporary Use shall be valid from Saturdays and Sundays only. August 1<sup>st</sup>, 2009 thru November 8<sup>th</sup>, 2009, with any extension beyond this point requiring additional Planning Board review and approval.
2. The Temporary Use shall be confined to the display area indicated on the site plan
3. The Temporary Use shall be limited to the hours of 8:00AM – 7:00PM
4. The applicant must obtain authorization/approval from the Planning Board for any proposed modifications to the site prior to the undertaking of any such changes.

Mr. McFarland asked if there had been any complaints. Mr. Spring said there had been none. Mr. McFarland **moved to approve the Temporary Use for Town and Country Market, valid for Saturdays and Sundays, August 1 thru November 8, 2009 with any extension beyond these dates to require additional review by the Planning Board and approval. The Temporary Use shall be confined to the display area indicated on the site plan. The Temporary Use shall be limited to the hours of 8:00am to 7:00pm and the applicant must obtain authorization and approval from the Planning Board for any proposed modifications to the site plan prior to any changes.** Mr. Springer seconded the motion. Motion passed 4-0.

MainStreet  
Preschool, 8 W.  
Main St., IL 115-  
Site Plan Review  
for fence

Mr. Spring said the applicant was seeking approval for the installation of  $\pm$  140 lineal feet of 4' tall welded steel fencing in the courtyard area abutting S. Third Street and the existing off-street parking area of the church. There will be two gates. Standards for accessory structures in non-residential areas are to be submitted for review by the Planning Board. This zoning district is CC/RA and he noted that the Restoration Board granted a Certificate of Appropriateness for the proposed fence at their June 23<sup>rd</sup> meeting. Staff recommended approval of the fence.

Mr. Berbach asked Mrs. Collins to show him on the site plan where the fence was to be located. She did so. Mr. Gibson asked Mrs. Collins how tall the fence was to be. Mrs. Collins said it was to be 4' tall. Mr. Berbach **moved to approve the site plan for the fence at 8 W. Main Street.** Mr. Springer seconded the motion. Motion passed 4-0.

Mr. Spring said the applicant was requesting to replat Inlot 3017

Asha Vyas, 1021  
Copperfield Lane,  
IL 3017- Replat

whereby a portion of an existing detention basin easement is vacated and the associated storm water pattern is rerouted. There is a 50 foot drainage easement abutting the rear of the property. This easement prohibits any additional construction by the property owner for accessory structures, pools, etc. The proposed replat will vacate the southern portion of the drainage easement closest to the home. The balance of the easement at the north of the property will be retained. The existing 10' side and 10' rear utility and drainage easements will also be retained.

Mr. Spring continued that an existing storm sewer pipe is currently located within the 50' drainage easement. The applicant will reroute the pipe approximately 18' to the north. Two (2) new 2'x2' catch basins will be installed in the new northwest and southwest corners of the storm sewer pipe with a new manhole at the tie-in point at the east end of the project. City Engineer Vagedes has approved the storm sewer design and profile schematics and the certified Engineer's Estimate prepared by Choice One Engineering.

In accordance with Code §155.117, the applicant is required to provide surety in the amount of 110% of the approved engineer's estimate. The contractor has agreed to provide surety upon Planning Board approval of the replat. Mr. Spring also noted that the Miami County Engineer's Map Department has reviewed and approved the proposed replat for accuracy and completeness. Staff recommended approval of the replat with the condition that the replat will not be recorded by the City until surety has been provided to the City in accordance with §155.117.

Mr. Springer asked if there would be any flow problems with the new placement of the storm sewer pipe. Mr. Spring said Mr. Vagedes had approved the plan.

There being no further questions, Mr. Springer **moved to approve the replat for Inlot 3017, 1021 Copperfield Lane as presented with the surety condition.** Mr. Gibson seconded the motion. Motion passed 4-0.

Aaron Lee,  
Buckeye Distillery,  
130 W. Plum  
Street, IL 642, 643  
& Pt ILs 644, 645,  
249, & 256-I-1D/LD  
Zoning

Mr. Spring said the applicant is seeking Planning Board approval for utilization of the property at 130 W. Plum St. for an alcohol distillery (Buckeye Distillery) and a fire/water damage restoration service (Servpro). The building contains a total area of 4,500 sq. feet. The Distillery would occupy 1,370 sq. ft. and Servpro would occupy the balance of 3,130 sq. ft. Servpro is a permitted use in this zoning district and can be approved administratively with a Zoning Occupancy/Change of Use Permit.

Mr. Spring said regarding the distillery, the applicant has indicated he will be producing spirituous liquor for human consumption at the site. The distilling operation would produce approximately 50 gallons of alcohol per batch with several batches in various stages of the distillation process on the site. The alcohol would be produced, fermented, distilled, aged, bottled and labeled from this location. The alcohol produced would be similar to flavored vodka. Batches greater than 21% alcohol content would be distributed regionally through State of Ohio authorized Liquor Control retail sites. Batches less than 21%

alcohol content would be marketed through local distributors such as Heidelberg Distributing. No retail sales will take place on site.

Mr. Spring continued that deliveries and distribution would be by truck, with smaller box trucks expected rather than semi trucks.

He said the applicant has indicated that a boiler is used for the distillation process with no pressure in it. The boiler is open, so pressure build-up does not happen. There are no toxic or volatile substances discharged into the atmosphere or sewer system from the distillation process. The applicant has also indicated he has received all necessary federal and state permits to begin production.

Mr. Spring gave the permitted Special Uses within the I-1D zoning district in his report. An alcohol distillery is not listed but code does allow other types of Special Uses that are determined by the Planning Board to be of the same general character as the permitted uses. Those other uses are found not to be obnoxious, unhealthful or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, glare or heat. Planning Board may seek expert advice on what conditions should be imposed on a particular operation to carry out the purposes of this zone with that cost to be borne by the applicant. Therefore Planning Board should make a determination as to whether an alcohol distillery is of the same general character as the permitted uses. Mr. Spring said it was his opinion that an alcohol distillery is of the same general character as found in Code §154.054(B)(1)(i) under Manufacturing.

Mr. Spring continued that if the Board did find it a permissible use then the General Requirements need to be looked at. Requirements 1-9 were listed in his report and the answers to those requirements as follows:

- 1) Is in fact a special use as established under the provision of Section 154.040 through 154.061 for the zoning district involved.  
**Per Code §154.054(B)(2)(a) noted above.**
- 2) Will be harmonious with and in accordance with the general objectives, or with any specific objectives of the Zoning Code.  
**Manufacturing within a light-industrial zoning district is in accordance with the general objectives of the Zoning Code.**
- 3) (a) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity that such use will not change the essential character of the same area.  
**No exterior changes proposed at this time.**  
  
(b) Structures to be constructed, reconstructed or altered pursuant to special uses in residential districts, shall, whenever practicable, have the exterior appearance of residential buildings of the type otherwise permitted and shall have suitable

landscaping, screen planting and fencing wherever deemed necessary by the Planning Board.

**The proposed use would not be in a residentially zoned district**

- 4) Will not be hazardous or disturbing to existing or future neighboring uses.  
**As stated above, the applicant has indicated that a boiler is used for the distillation process; however there is no pressure in it. The boiler is open so pressure build-up does not happen. The applicant has also indicated that no toxic or volatile substances would be discharged into the atmosphere or sewer system.**

**Due to the presence of flammable alcohol on site, the Tipp City Fire Chief has requested that a fire extinguisher be installed on-site.**

- 5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

**It is the opinion of staff that the proposed distillery would be adequately served by existing public facilities.**

- 6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

**It is the opinion of staff that the proposed distillery would not create excessive additional requirements for public facilities and services and would not be detrimental to the economic welfare of the community.**

- 7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

**The applicant has indicated that the operation of the distillery will not be detrimental by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.**

- 8) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

**The property includes an existing nonconforming off-street parking area and vehicular approaches that will not be modified as a part of this**

**application.**

- 9) Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.

**The application does not contain any proposal for site plan review and/or any exterior modifications.**

Mr. Spring continued with the Special Requirements as follows:

- a. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its size layout and its relation to street giving access to it shall be such that vehicular traffic to and from the use will not be more hazardous than the normal traffic of the district, both at the time and as the same may be expected to increase with increasing development of the municipality taking into account vehicular turning movements in relation to routes of traffic flow, relation to street intersections, sight distances, and relation to pedestrian traffic.

**Staff notes that the applicant has indicated that the distilling operation will be relatively small, and that deliveries and distribution of the materials and products would be by truck, with smaller box trucks expected rather than semi trucks.**

- b. The nature, location, size, and site layout of the use shall be such that it will be a harmonious part of the business or industrial district in which it is situated, taking into account prevailing shopping habits, convenience of access by perspective patrons, the physical and economic relationships of one type of use to another, and characteristic groupings of uses in a commercial or industrial district.

**Staff notes that the applicant has not proposed any changes to the exterior layout of the structure, with the underlying industrial zoning district in existence since at least 1973.**

Mr. Spring continued with the parking requirements for both businesses. The Servpro requires 15 spaces (3,130 sq ft) and the Buckeye Distillery is based off the manufacturing use, 4 employees on the largest work shift; therefore a total of 19 off-street parking spaces would be required. This property is in the Legacy District and the number of spaces shall be reduced by 30% under Code §154.078. This reduces the number to 13 spaces needed. The asphalt paved area on the east side of the property can accommodate 13 (10' x 20') parking spaces. There is also a gravel lot to the west which is not required to be used for the proposed manufacturing and business service uses.

Mr. Spring concluded his report with Staff recommendation for approval for this Special Use with the following conditions:

1. That the Planning Board finds the an alcohol distillery acceptable and of the same general character as the other permitted uses within the I-1D Zoning District and grants a "Special Use" for the same.

2. The applicant will obtain and maintain all required permits/authorizations for the operation of the distillery (federal, state, local, etc.).
3. That the applicant shall install an on-site fire extinguisher appropriate for suppression fires caused by the combustion of alcohol.
4. That the applicant would obtain an approved Zoning Occupancy/Change of Use Permit prior to utilization of the structure for Servpro and/or Buckeye Distillery (application and \$40 fee required).
5. The applicant must obtain authorization/approval from the Planning Board for any proposed exterior modifications to the site plan prior to the construction/undertaking of any such proposed modifications.

He added that Mr. Lee and the owner of the building, Larry Riesser were present to answer questions. Mr. Springer said he thought the distillery would be of the same general character. He asked about the traffic flow and the one-way street. How would the vehicles enter the business? Mr. Lee said New Street would be used to enter the business. Mr. Springer said a traffic flow had not been presented. Mr. McFarland asked if this is the building that Kruse Hardware was housed in. They had 20-foot semi trailers that entered the property so there did not seem to be a problem. Mr. Lee said Plum would be used to access and then the trucks would leave by Plum to Sixth Street and then turn onto Main Street. Mr. Riesser, owner of the building, said to turn west onto Plum, then onto Sixth is the correct traffic pattern for trucks leaving. Mr. Springer asked how many trucks a day might be coming and going. Mr. Lee said it would not be a high volume of trucks. Mr. Springer asked about the Servpro business. Mr. Lee said sometimes furniture and such is brought to their site for cleaning/fire restoration/storage. Mr. Springer also asked if there was some separation between the two businesses. Mr. Lee said there is a wall.

Mr. Berbach asked if there were any problems with the permitting from the state or federal authorities. Mr. Lee said he had not but it had taken quite a while. Mr. Berbach asked if there were future plans for public sale. Mr. Lee said not at this location. Mr. Lee said there are a number of state inspections involved.

Mr. Gibson said he had a concern regarding the odor involved as he knows when he is driving into Cincinnati; he can smell the distillery along the highway. He said this location has residential surrounding it. Mr. Gibson asked if there some containment of that odor. Mr. Lee said only the gases are released and there is a filter system. Mr. McFarland pointed out that Mr. Lee is only working 50-gallon batches and the Cincinnati operation has 5,000 gallon batches or more. Mr. Gibson said the residents on Plum Street may have concerns. Mr. Lee said it is a concern for him as he must control the odor within the building for his employees also. Mr. Springer asked Mr. Springer if a Special Use is granted and there are complaints, what is the recourse. Could a Special Use be revoked? Mr. Springer said Code addresses certain environmental concerns and he checked the code book. He found under § 154.061(O), environmental requirements were addressed and those are enforceable by the Zoning Administrator. Mr. McFarland stated that if Planning Board approves the Special Use and six months down the road there are a number of complaints, the Board

wishes to consider the neighboring properties. Mr. Lee said he also does not wish to upset anyone. Mr. Spring also found in §154.121(D), the code indicated issuance and revocation of Special Use permits, "any breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted and shall constitute a violation of the code." He added if there is a condition of no objectionable odors in the motion then that is a requirement.

Mr. McFarland asked if a percentage of complaints could be stated in the motion. Mr. Spring said from an administration standpoint it would be most difficult to validate because one man's odor is nothing to someone else. There is no way to rate it either. Mr. Gibson asked if code specified that neighbors had to be notified for this request. Mr. Spring said this is not considered a public hearing such as a rezoning. Mr. McFarland said this is an older neighborhood that does have some industrial zoning, some residential. Mr. Lee said all of his equipment is checked by the State and Federal agencies involved.

Mr. McFarland said his only other concern was that two on-site fire extinguishers be provided rather than the one recommended by the City Fire Chief. Mr. Lee said he had no problem with that request.

Mr. Paul Lee had a comment on the matter. Mr. Lee, 152 W. Franklin Street, asked what was the difficulty in notifying the neighbors with the area. It is easier to fix the problem now rather than Mr. Lee move into the building and have an uproar amongst the neighborhood. Mr. Paul Lee said he lived within about a block and a half of the location and did not wish to live with what he has also smelled along I-75 in Cincinnati. He realized time is of the essence for Mr. Lee but the neighbors should be notified. Mr. Springer said there is a notification for rezoning but asked if Special Uses have ever been notified. Mr. Spring said the notification process is driven by code but if the Board feels it is necessary then it can be done. The matter can be tabled and a directive to notify properties within so many feet or area can be directed to staff. Mr. Spring asked Mr. Aaron Lee if the matter were tabled to the next meeting, what would be the impact. Mr. Lee said he has been working on this for several years and he would like to start but he does understand the concerns. He did not believe there would be any odor problems for his employees and the neighborhood. Mr. Lee added that he needs to have a safe environment for his employees to work in. Mr. McFarland asked for further comments and questions.

Mr. Gibson said he did not agree with the assessment that this business was of the same character of the other permitted uses, manufacturing of candy, baked goods, or pharmaceuticals. He said alcohol is a regulated substance. He said he knows persons that live near Cargill and they have an odor problem there. Mr. McFarland asked how many employees would be involved with the distillery. Mr. Lee said there would be 4. Mr. Springer asked would he move the Servpro business if the distillery is tabled or not approved. Mr. Lee said he wishes to have both businesses in the same location. Mr. Riesser came forward and said he felt that the manufacture of pharmaceuticals is very similar as alcohol is used in the production of pharmaceuticals quite often.

Mr. Berbach said when he first read thru the report he had no



problems with approval but he was familiar with scrubbers used in manufacturing. He was also aware of how hard the Planning Board worked with Council and the public to find uses in the Legacy District. He thought it was a good use of one of these older buildings. Mr. Berbach said after the discussion regarding odor, he also some concerns. He would like to see Mr. Lee proceed but he wanted to be able to address concerns down the road if there are problems. Mr. Springer said a Special Use continues if Mr. Lee would leave. Mr. McFarland said he spoke to some people that live on N. Third Street. He said they said they would have no problem with it. Mr. McFarland asked if they were concerned with the odor and their reply was it would be no worse than what they now have from the drainage ditch. Mr. Berbach said he had visited the site and it was at the railroad track and the former Dolly Toy location has old equipment setting around. He would like to see the motion to have some enforcement built into it. Mr. Springer asked if it were possible to have a special meeting if a decision could not be made this evening. Mr. Spring said if the Board wishes the public notified there are time constraints for the published notice and mailings to the property owners. Mr. Spring said he did do a substantive search on the internet looking for any zoning code that had any requirements for a distillery. He checked Cincinnati, Milwaukee, and another. His first concern had been on some type of explosion but after researching that issue, it was found to not be an explosive situation. There were no other codes to model ours off of.

Mr. Berbach said the Board has granted a number of Special Uses thru the years and asked if there had ever been any stipulations put on those uses. Mr. Spring said when Harrison's Restaurant was approved, there was concern regarding the parking (party room use). Mr. McFarland said the Board has waived parking requirements for the other businesses downtown and it has not been an issue. Mr. Spring reminded the Board that complaints can be on a number of things and it is hard to quantify what constitutes an offensive level of odor. Mr. Springer asked when the Health Department come into enforcement. Mr. Spring said they deal with stagnant water, insects, dilapidated conditions, pet odors, etc.

Mr. Berbach suggested that the neighbors need to be notified and the matter be tabled to the August 11<sup>th</sup> meeting. Mr. Springer also suggested that staff look into further enforcement. Mr. Spring said the basic issue should be if there is to be a bad smell. Mr. Gibson said the public needs to understand the applicant is working with a 50-gallon vat and not millions of gallons and they may smell something and they may not. Mr. Springer asked where the smell goes to. Mr. Lee said the fermentation occurs in a small enclosed tank and the gas that it creates come out a hose into a filtration system so the odors should be controlled there. Once it has fermented, it goes to the still and there is no smell to that. Mr. Lee said his cleaning service business also brings back smoke-filled items for cleaning/restoration. He currently works in an area in Troy where there are other businesses and has not had any complaints on the smoke smell.

Mr. Gibson asked if Mr. Lee was moving the whole operation to Tipp City. Mr. Lee said that was his intention. Mr. Gibson asked if the distillery was currently in Troy. Mr. Lee said that was a new endeavor and he had not started that yet. Mr. Lee said he understood the

Tim Clark, Clark's  
Pharmacy, 500 W.  
Main St. GB  
zoning-Site Plan  
Review

concern for the odor. He also stated that he just simply wishes to run his business and send his product to the state and have no sales there. He wanted to make certain that the interest that this endeavor raises to be positive. Mr. Gibson said he appreciated Mr. Lee's candor in his answers to the Board's questions.

Mr. Berbach **moved to table the issue until the August 11, 2009 meeting and that the property owners within 200 feet be notified of the Special Use request.** Mr. Gibson seconded the motion. Motion passed 3-1. Ayes: Berbach, Gibson and Springer. Nays: McFarland.

Mr. Spring informed Mr. Lee that his request has been tabled until August 11, 2009 and an ad plus notification will be sent to property owners within 200 feet of the structure. Mr. Gibson said the size of the operation needs to be mentioned in the notification. Mr. Lee reminded the Board that he would have several batches processing, not just one 50 gallon unit. Mr. Lee asked what specific concerns the Board had. Mr. Berbach and Springer said the odor was their only concern. Mr. Springer also added if there were complaints, how those would be addressed. Mr. Berbach said once a Special Use is granted it continues with the next owners. Mr. Lee said the permitting process by the state and federal governments is quite involved.

Mr. Spring explained that the applicant wishes to resurface, restripe and remove two existing nonfunctional light poles. Staff noted that the parking area is nonconforming in that the spaces and drive aisles do not meet the current code requirements. In general the continuation of a nonconforming structure or use can continue so long as the nonconformity is not enlarged or increased. However when a business does restripe a parking lot the Federal law requires that the handicap accessible parking spaces be according to the ADA code. The current striping did provide two handicapped spaces but they did not provide the ADA required 8' wide loading/unloading area.

Mr. Spring said the applicant has proposed a site plan that continues to provide the two handicapped spaces plus the loading/unloading area. The lot striping has been modified to accommodate that feature. There will be modifications to the existing walkway adjacent to the building. The walkway will be widened from 4' to 7' and the northern walkway will be replaced and widened from 3' to 4'. Parking blocks will be installed at the handicapped spaces and the four spaces at the north edge of the building.

Mr. Spring continued that staff has agreed to designate the Main Street approach as an entrance only thus improving the safety and traffic flow pattern of the site. Pavement markings (arrows) and "Do Not Enter" signage will be added to facilitate proper traffic flow.

The applicant has also applied to remove the two existing nonfunctional light fixtures that were leftover when the site was utilized as a gas station. They are located at the southeast corner of the lot and along the western property line. Staff recommended approval of the request with the recommendation that the applicant obtain authorization/approval from the Planning Board for any proposed modifications to the approved site plan prior to the construction and/or

Steve Bruns, Bruns  
General  
Contracting, 3050  
Tipp-Cowlesville  
Rd. Inlot 3860, I-1  
Zoning- site plan  
review

undertaking of any such proposed modifications.

Mr. Springer had some questions on the site plan. Mr. Spring explained the handicap loading area required and the before and after drawings of the proposed site improvements. Mr. Springer asked about any landscaping improvements needed. Mr. Spring said the only reason that it had to come to Planning Board was that it could not be restriped exactly as before because of the ADA requirements. They also added the light removal.

Mr. McFarland **moved to approve the improvements to the site at 500 W. Main Street with the recommendation that the applicant obtain authorization/approval from the Planning Board for any proposed modifications to the approved site plan prior to the construction and/or undertaking of any such proposed modifications.** Mr. Springer seconded the motion. Motion passed 4-0.

The applicant requests site plan approval for the modification of the existing off-street parking area, the removal of 113 linear feet of existing chain-link fencing and the installation of 18.5 ' of new fencing (wall). Mr. Spring explained that the applicant recently completed an expansion of their existing off-street parking area (22 spaces). This expansion took place at 3060 Tipp Cowlesville Road, which is not within the corporate limit of Tipp City. Staff notes that this address is just directly north of and abuts 3050 Tipp Cowlesville Road which is in the corporate limits. They installed a connecting drive aisle and associated curbing and landscaping at the south of 3060 Tipp Cowlesville Rd. The installation of the drive aisle will eliminate two existing standard parking spaces and one handicapped space. The applicant has designated two new handicapped spaces with one directory north and adjacent to the new curbing and other space designated the southwest corner of the existing off-street parking area. The overall impact is an increase of 19 spaces and the addition of one additional handicapped accessible parking space. The combined lots will provide 42 standard parking spaces and two handicapped spaces.

Mr. Spring said Bruns has removed 113 linear feet of chain-link fencing. The existing fencing is 7.5' tall and is located along the northern property line of the property. Approximately 170 linear feet of chain-link fencing will remain along the northern property line to the east of the removed sections. Bruns also proposes to install 130 linear feet of concrete wall panels to replace the removed chain-link fencing. There are two small sections of the wall located at 3050 Tipp Cowlesville Road and are subject to Planning Board site plan approval.

1. The first section will be located adjacent to the north-central corner of the primary Bruns building a project angularly to the northeast  $\pm$  17' to join with the offsite section of wall running east-west
2. The second section will be located as a connection point between where the new wall ends and the existing chain-link fence resumes. This section of fence will be 1½' in length and be approximately 22' from the southeast corner of 3060 S. Tipp-Cowlesville Road.

Staff noted that the proposed fence (wall) will be 6'-10" tall and

Brumbaugh  
Engineering for  
Brent Black, High  
Tec Industrial  
Services, 15  
Industry Park Ct.,  
IL 2948, I-1  
Zoning- Replat/Lot  
Split

be constructed of AAC (Autoclaved Aerated Concrete). Staff recommended approval with the following condition that the applicant must obtain authorization/approval from the Planning Board for any proposed modifications to the approved site plan **prior** to the construction or undertaking of any such proposed modifications. Mr. Spring added that Mr. Bruns had called and he had been detained out of town and would not make it to this meeting.

Mr. Gibson **moved to approve the site plan improvements as presented.** Mr. McFarland seconded the motion. Motion passed 4-0.

Mr. Spring said the applicant is seeking a lot split of Inlot 2948 whereby two lots of record will be created. One will be 1.68 acres and the other 1.833 acres. A similar application was tabled for several months in 2005/2006 with no final action by Planning Board due primarily to the lack of submission of surety for the required public improvements on N. Third Street.

He continued that the easements will include a 20' utility easement on the north, south and eastern property lines of the High Tec lot. The 1.833 acre inlot will also include a 20' utility easement that will abut the north, south, and western property lines. There will also be a 24' storm water drainage easement abutting the southern property line that will overlay the 20' utility easement along the same property line. This inlot will also include the primary storm water detention easement area for both inlots at the southwest corner of the inlot.

Mr. Spring said the existing High Tec property was required to construct and utilize a storm water detention pond which was located at the northwest corner of Inlot 2948. With the proposed lot split the detention pond would be located offsite for High Tec. The protective covenants and restrictions of the proposed replat indicate that each lot owner shall be responsible for maintaining the storm water detention basin. Brumbaugh Engineering has configured the proposed easement area to provide the required volume of storm water from both inlots. The actual design of the detention pond will be submitted with a future site plan for the northern lot. The existing detention area shall not be altered nor can any construction take place on the newly created inlot without site plan approval from the Planning Board.

The applicant shall be required to extend public utilities to the northwestern corner of the newly created inlot. The plan and profile design extension has been reviewed and approved by City staff including the Certified Engineer's Cost Estimate. A construction agreement for the public utilities will need to be authorized by City Council at an upcoming August meeting.

Mr. Spring said that City Engineer Scott Vagedes has approved the Engineer's cost estimate for the public improvements. Prior to the recording of the replat, the applicant will be required to post surety in the amount of 110% of said estimates (\$77,858) in accordance with Code §155.117.

He said the Ohio Environmental Protection Agency requires approval for the proposed water and sanitary sewer extension required along N. Third Street. The City will require a copy of both of these

permits prior to the execution of the replat. There also has to be a Storm Water Pollution Prevention Plan and a submittal of a Notice of Intent for the erosion control for the proposed water and sanitary sewer extension. The Miami County Engineer's Map Department has reviewed and approved the proposed lot split for accuracy and completeness.

Mr. Spring said staff recommended approval of the lot split/replat with the following conditions:

1. Prior to the recording of the replat, the applicant will be required to post acceptable surety in the amount of \$77,858 in accordance with Code §155.117.
2. Prior to the recording of the replat, a construction agreement for the public utilities will need to be authorized by City Council.
3. The applicant shall provide to the City valid and approved Permits to Install (PTI) for the water and sanitary sewer extension along N. Third Street prior to execution of the replat.
4. Prior to the recording of the replat, the applicant shall provide to the City an approved Storm Water Pollution Protection Plan (Erosion Control Plan) and Notice of Intent (NOI) to EPA and City.
5. Prior to the release of surety, the applicant shall provide as-built drawings (Mylar & electronic) for the water and sanitary sewer extension.
6. The applicant must obtain authorization/approval from the Planning Board for any proposed modifications to the approved site plan prior to the construction and/or undertaking of any such proposed modifications.

Mr. McFarland thought there had been an entrance/exit onto N. Third Street the last time this was looked at. He asked where that might appear with this lot split. Mr. Spring said it would be on the new lot created to the northwest. Mr. McFarland asked if the current High-Tec building was setting in the right-of-way. Mr. Spring said the building is in the setback area. Mr. McFarland asked if there was another business interested in the location. Mr. Spring thought the new lot was possibly offices for Mr. Black but no site plans had been submitted as of yet.

Mr. Springer **moved to approve the lot split/replat for 15 Industry Park Ct, Inlot 2948 with the recommendations listed in the staff report.** Mr. Berbach seconded the motion. Motion passed 4-0.

There was no Old Business to discuss.

## Old Business

## Miscellaneous City Council

### Reports:

5/18/09- Mr. Springer  
6/1/09- Mr. McFarland  
6/15/09- Mr. McFarland  
7/13/09- Mr. Berbach

Mr. Springer reported there were no items related to Planning Board at the May 18<sup>th</sup> City Council meeting.

Mr. McFarland reported the June 1<sup>st</sup> meeting had a resolution to contract with Perram Electric for the traffic signal interconnect project. At the June 15<sup>th</sup> meeting there was an ordinance (first reading) to place City Charter amendments on the November election ballot.

Mr. Berbach reported that Council had a second reading for the ordinance to submit the charter amendments to the Board of Elections

City Council  
Meeting  
Assignments

Board member  
comments

**Adjournment**

and to approve the Final Plat for Rosewood Creek, Section 3 at the July 13<sup>th</sup> meeting. Both ordinances passed.

The Planning Board members made their assignments for the remaining City Council meetings from August thru November. Mr. Horrocks will be offered the November meetings. Mr. McFarland and Mr. Gibson said they would attend the Operating Budget meeting.

Mr. Springer asked about the Holiday Inn Express highway sign. Mr. Spring said he has had conversations for about one year regarding that sign replacement. There have been several sign companies involved and he believes they are going to seek a variance for the sign height. Mr. Springer added that a lot was discussed tonight regarding the distillery but the Board needs to do it's due diligence on the matter for the long range picture.

Mr. Berbach commented he appreciated the answers given to the different points in the report on the distillery on page 4.

Mr. Gibson said a lot of work was done on the matter. Mr. Spring said it is a complicated issue and he appreciated the Board's efforts also. The Board is to be an advocate for both sides. Mr. Gibson said it was difficult to raise some of those questions.

Mr. McFarland said he would refrain from further comments on the distillery until the next meeting.

There were no further comments by the Board members. There being no further business for discussion, Mr. Springer **moved that the meeting be adjourned**. Mr. Berbach seconded the motion. Chairman McFarland declared the meeting adjourned at 9:25 pm.

\_\_\_\_\_  
Michael McFarland, Planning Board Chairman

Attest: \_\_\_\_\_  
Marilyn Fennell, Board Secretary